



FREQUENTLY ASKED QUESTIONS

PASO ROBLES GROUNDWATER BASIN

URGENCY ORDINANCE

PLANNING & BUILDING DEPARTMENT • COUNTY OF SAN LUIS OBISPO
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These frequently asked questions are broken into three categories of questions. The first part contains general questions about the applicability of the ordinance and how it is implemented. The second set of questions provides answers about the various uses and permits that are not or may not be subject to the ordinance. The third part answers questions about wells. If you still have questions you can call the Department at (805)781-5600 or contact us via email at planning@co.slo.ca.us

GENERAL ORDINANCE QUESTIONS

Where does the Urgency Ordinance apply?

It covers all unincorporated properties within the Paso Robles Groundwater Basin except:

- Properties in the Atascadero Sub-Basin
- Properties served by the San Miguel Community Service District
- Properties served by County Service Area 16
- Properties within the incorporated City of Paso Robles

You are able to view whether your property is subject to the Urgency Ordinance on sloplanning.org.

What does the Urgency Ordinance do?

The Urgency Ordinance prohibits the establishment of any of the following uses:

- New or Expanded Irrigated Crop Production.
- Conversion of Dry Farm or Grazing Land to New Irrigated Crop Production.
- New Development dependent upon a well in the Groundwater Basin.

There are exceptions built into the ordinance (see “questions about exceptions” later in this FAQ) in addition to provisions to allow these uses where certain conditions are met.

What is new or expanded irrigated crop production?

For the purposes of the Urgency Ordinance, this means the development, new plantings, or other improvements of a property for the purposes of farming of agricultural products using irrigation. It also includes increasing the density of any existing irrigated crop production.

It does not include the planting of annual or rotational crops where those crops have been planted within the last five years on a site.

What is conversion of dry farm or grazing land?

For the purposes of the Urgency Ordinance, this means the conversion of a site that had been used for the past 10 years for the purposes of either farming an agricultural product without using irrigation or raising or feeding of beef cattle, sheep, or goats by grazing or pasturing, to new or expanded irrigated crop production.

The 10 year timeframe includes such time the site was fallow, in rotation but not planted, or covered under a conservation plan prepared as part of the Conservation Reserve Program.

What is new development dependent upon a well in the groundwater basin?

For the purposes of the Urgency Ordinance, new development is all allowable uses as defined by Table 2-2 in the Land Use Ordinance (Title 22 of the County Code). Table 2-2 can be found on sloplanning.org.

Does this mean I can't build my house or plant my irrigated vineyard or orchard?

The ordinance allows these uses to be established under certain conditions.

- The first condition is that your new water demand must be offset at a ratio of at least 1:1.
- The second condition is that any new well drilled to support the use must be metered and read by the property owner. Data from the well must be maintained by the property owner.

What is an offset?

The Board approved a County Water Conservation Program for new development on February 25, 2014. This includes both residential and commercial development. Generally you must show that enough fixtures in other residences or development have been replaced to achieve water savings equal to the future residence's or other development's proposed water use. This also includes offsetting of proposed outdoor water use. You can contact the Planning and Building Department for additional information on this program.

The Board has not yet approved a County Water Conservation Program for agriculture. In January 2014, the Board gave staff direction to work with the Upper Salinas – Las Tablas Resource Conservation District (RCD) in development of this program. The agricultural program can include evaluating upgrades to existing irrigation or other water supplies for an existing agricultural use to achieve water savings equal to the future agricultural use's proposed water use. It can also include an evaluation of removing an irrigated agricultural use from production such that it will achieve water savings equal to the proposed agricultural use's proposed water use. This program will be reviewed by the Board in late 2014. Until then, the RCD will be consulting with experts, completing public outreach and providing status reports to the Board.

Until a program is approved by the Board, staff will be using published water duties (e.g. 2009 Todd Pumping Update; 2012 Master Water Report) to issue Offset Clearances for crop conversions on the same property only. Individuals wishing to use other information to determine water use or to establish a new crop on a parcel that is different from the parcel where the crop is being removed, will need to wait for the program to be approved by the Board of Supervisors in late 2014.

How do I meter my well and how do I read that meter?

Within 30 days of installation of a well or prior to final building inspection, whichever is applicable, you will need to provide evidence to the Public Works Director that a meter has been installed on the well serving the use. You or your well driller will need to prepare a drawing to show that the installation conforms to the technical standards set forth by the Public Works Director.

Then each month, on or near the first day, you or another person designated by you will need to read the meter. All groundwater used from that well shall be measured and the record of these readings are required to be maintained by the property owner.

QUESTIONS ABOUT EXCEPTIONS TO THE ORDINANCE

I have an existing vineyard with an existing well. Am I subject to the Urgency Ordinance?

Existing irrigated crop production (including irrigation practices) in effect as of August 27, 2013 is not subject to the Urgency Ordinance. This includes all crops planted by August 27, 2013.

I have an existing well, but I have not planted yet. Am I subject to the Urgency Ordinance?

Maybe. If you can provide satisfactory evidence that, prior to August 27, 2013, that you have secured a “vested right” to complete site preparation, planting, or sale of product, then you may not be subject to the Urgency Ordinance.

A vested right will be determined on a case by case basis. In order to establish a vested right, a property owner will need to make their case and see if it is determined to be a vested right. The ordinance requires that satisfactory evidence be provided, and on November 26, 2013, the Board approved a Resolution that sets forth the procedures for the Department to use when making a vested right determination. The procedures and requirements can be found on the Department’s website. Generally, prior to August 27, 2013, you must have had:

- A valid well permit and the well drilled or a contract for well drilling
- Ownership of the property or entered into a lease specifically for the purposes of agriculture

Also three of the following prior to August 27, 2013:

- Contract and deposit for plants that you are going to plant
- Contract and deposit for design and installation of irrigation infrastructure
- Fencing installed
- Contract for provision of product within the timeframe that the Urgency Ordinance is in effect.

If you cannot prove a vested right, then the provisions of the Urgency Ordinance apply, and before you can establish your new irrigated agricultural use, you will need to comply with the offsets and the requirements for metering and monitoring of the well.

I have an existing house and well and I want to remodel or add on. Am I subject to the Urgency Ordinance?

There are a number of exemptions for remodels set forth in the Urgency Ordinance. The following are not subject to the Urgency Ordinance:

- Additional bedrooms (whether attached to the existing residence or not)
- Residential or agricultural accessory structures with no increase in number of restrooms
- An interior remodel with no increase in floor area or number of restrooms
- An addition with no increase in number of restrooms
- A remodel implementing an approved land use permit.

I have a construction permit that is going through plan check. Am I subject to the Urgency Ordinance?

Any application for a construction or grading permit that was submitted to the County, including all required fees, prior to August 27, 2013, is not subject to the Urgency Ordinance.

Any construction or grading permit issued before August 27, 2013, is not subject to the Urgency Ordinance.

I have a valid, approved land use permit, but I haven't submitted my construction permits yet. Am I subject to the Urgency Ordinance?

Any construction permit that is necessary to implement a Minor Use Permit, Conditional Use Permit or Variance approved prior to August 27, 2013 is not subject to the Urgency Ordinance.

I am processing a land use permit but it hasn't been approved yet. Am I subject to the Urgency Ordinance?

Maybe. Any application for a land use permit that was submitted to the County and was accepted as complete prior to August 27, 2013 is not subject to the Urgency Ordinance.

If your application wasn't accepted as complete prior to August 27, 2013, your project is subject to the Urgency Ordinance. Conditions of approval will be applied to your land use permit to comply with the requirements of the Urgency Ordinance.

Can I build a new pond or reservoir for frost protection, seasonal irrigation, or livestock purposes?

Yes. Ponds and reservoirs are subject to Section 22.52 of Title 22, the Land Use Ordinance. Depending on how big the pond is and how much water it can contain, a grading permit and California Environmental Quality Act (CEQA) review will be necessary.

Can I replace a destroyed structure?

Yes, replacement of a structure that was destroyed can be replaced and would not be required to meet the requirements of the Urgency Ordinance. The replacement structure must be the same size and be used for the same purpose as what was destroyed.

QUESTIONS ABOUT WELLS

Can I drill a new well?

Yes, the Board of Supervisors did not prohibit the drilling of new wells.

If you filed for a well permit with Environmental Health and an electrical permit from the Department of Planning and Building prior to August 27, 2013, your well permit can be issued and processed as normally required. However, if you wish to establish new structures or agricultural uses on your site that would use that well – establishment of those uses is subject to the requirements of the Urgency Ordinance.

If you file for a well permit with Environmental Health after August 27, 2013, you will be subject to the requirements of the Urgency Ordinance.

Can I drill a new well if my well went dry?

Yes, a replacement well for a well that went dry or is otherwise non-producing is not subject to the Urgency Ordinance. The new well must be drilled to the same or smaller diameter as the existing well.

You may also qualify to have your fees waived for the well permit and the accompanying electrical permit. To determine whether you qualify for a fee waiver, please contact the Division of Environmental Health, County Health Department.

For the purposes of receiving the fee waiver and determining whether the well is dry (or is otherwise non-producing) the following information is required:

- The well owner shall submit a letter of explanation documenting the failure of the current domestic well to provide adequate water (dry well). Documentation such as: a licensed and bonded well drilling contractor's letter verifying well failure, the California Department of Water Resources Well Completion Report for the failed well, original well approval construction letter from Environmental Health Services, and receipts for hauled water to the subject property.
- The well owner shall verify the current domestic well was drawing groundwater from the Paso Robles Groundwater Basin by locating said well accurately on a map, and by providing the Assessor's Parcel Number, section/township/range, street address, and GPS coordinates of where the well/property is located.

Can I establish a new structure or agricultural use that would use an existing well on my property?

Yes, however, those new structures or agricultural uses would be required to meet the provisions of the Urgency Ordinance.

There are some exceptions to this, including:

- Additional potential bedrooms or residential or agricultural accessory structures with no increase in number of restrooms, whether or not attached to a single family dwelling
- An interior remodel or addition with no increase in floor area or number of restrooms
- A remodel implementing an approved land use permit

Any modification or improvement that will increase the amount of groundwater extracted would be subject to the requirements of the Urgency Ordinance.